

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA)	Criminal Action No. 3:04-cr-00092-7
)	
v.)	§ 2255 FINAL ORDER
)	
DIJON TIMMONS)	By: Hon. Norman K. Moon
)	United States District Judge

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the United States' motion to dismiss (Dkt. No. 357) is **GRANTED** and Timmons' motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255 (Dkt No. 320), is hereby **DISMISSED**. This action shall be **STRICKEN** from the active docket of the court.

Further, finding that Timmons has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a Certificate of Appealability is **DENIED**.

The Clerk of the Court is directed to send copies of this order and the accompanying memorandum opinion to the parties.

ENTER: This 13th day of June, 2011.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE